

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 4:08-CR-533 CAS
v.	)	
	)	
ANTWAIN SMITH,	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on various pretrial matters. Pursuant to 28 U.S.C. § 636(b), this Court referred all pretrial matters to United States Magistrate Judge David D. Noce. On November 13, 2008, Judge Noce filed a Report and Recommendation of United States Magistrate Judge which recommended that defendant's Motion to Suppress Evidence and Statements be denied.

No objections have been filed to the Magistrate Judge's Report and Recommendation and the time to do so has passed.


The Court has carefully and independently reviewed the record of this matter. The Court is in full agreement with the stated rationale of the Magistrate Judge's recommendations, and will adopt the same.

Accordingly, after careful review,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 36]

**IT IS FURTHER ORDERED** that defendant's Motion to Suppress Evidence and Statements is **DENIED**. [Doc. 28]

**IT IS FURTHER ORDERED** that the defendant's oral motion to suppress and the government's oral motion for determination of admissibility of arguably suppressible evidence are **DENIED as moot.** [Doc. 15, 17]

  
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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 1st day of December, 2008.